

Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

Authority: [5 U.S.C. §§ 561–570; 5 U.S.C. App. 2 §§ 1–15]

Issued on: October 1, 1996.

Jill L. Hochman,

Acting Associate Administrator for Motor Carriers

[FR Doc. 96–25594 Filed 10–4–96; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC01

Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule to List the Plants *Dudleya blochmaniae* ssp. *brevifolia* (Short-leaved Dudleya) as Endangered, and *Corethrogyne filaginifolia* var. *linifolia* (Del Mar Sand-aster) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Fish and Wildlife Service (Service) withdraws the proposed rule, published in the Federal Register on October 1, 1993 (58 FR 51302), to list *Dudleya blochmaniae* ssp. *brevifolia* (short-leaved dudleya) as an endangered species and *Corethrogyne filaginifolia* var. *linifolia* (Del Mar sand-aster) as a threatened species under the Endangered Species Act of 1973, as amended (Act). Additional information has become available to the Service since publication of the proposed rule indicating that *Corethrogyne filaginifolia* var. *linifolia* is no longer recognized as taxonomically distinct and therefore does not qualify for listing under the Act. The threats to *Dudleya blochmaniae* ssp. *brevifolia* have decreased since the proposed rule was published. *Dudleya b. ssp. brevifolia* is considered a “covered species” within the Multiple Species Conservation Program (MSCP) of southern San Diego County. A substantial measure of interim protection is provided by a Resource Protection Ordinance of the City of San Diego. Upon final approval of the MSCP, anticipated in late 1996, it will provide preservation, monitoring, and management within the City of San Diego that addresses the conservation of this taxon.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Fred Roberts, Biologist (see **ADDRESSES** section) (telephone: 619/431–9440).

SUPPLEMENTARY INFORMATION:

Background

On October 1, 1993, the Service published in the Federal Register (58 FR 51302) a proposal to list six taxa of plants from southern maritime chaparral in San Diego and southern Orange counties, California, as endangered or threatened. *Corethrogyne filaginifolia* var. *linifolia* Hall (Del Mar sand-aster) was included in this proposal. The Service has received additional information regarding the taxonomic status of *C. filaginifolia* var. *linifolia* indicating that this taxon is not distinct from the more widespread *Lessingia filaginifolia* var. *filaginifolia* (Lane 1992, 1993). The Service has considered this new information and determines that the taxon does not qualify for listing under the Act. In determining the taxonomic validity of species, the Service applies current taxonomic understanding (usually as represented in published revisions and monographs). The status and/or validity of such taxa may be reevaluated in the future on the basis of new information.

Dudleya blochmaniae ssp. *brevifolia* Moran was proposed as endangered in the October 1, 1993, rule. Since the publication of the proposed rule, the MSCP, a regional planning effort in southwestern San Diego County, has been developed, is presently in a public review process, and has been submitted to the Service by the City of San Diego as part of an application for a section 10(a)(1)(B) incidental take permit for 85 species, including *Dudleya blochmaniae* ssp. *brevifolia*. The incidental take permit would be immediately effective only for listed species. The Service and the City of San Diego have jointly prepared a *Recirculated Environmental Impact Report/Environmental Impact Statement, Issuance of Take Authorizations for Threatened and Endangered Species due to Urban Growth within the Multiple Species Conservation Program (MSCP) Planning Area*. This document, released on August 30, 1996, for a 45-day public review period, assesses the effects of land-use decisions that will be made by local jurisdictions to implement the

plan and the effects of the proposed issuance of the incidental take permit on the 85 species. A decision on the permit issuance is expected in late 1996.

The MSCP will, upon approval, set aside preservation areas and provide monitoring and management for the 85 “covered species” addressed in the City of San Diego permit application, including *Dudleya blochmaniae* ssp. *brevifolia*. “Covered species” are taxa that will be adequately conserved by the plan’s proposed preservation and management. Of the six extant populations of *D. b. ssp. brevifolia*, four, including all the major populations, are within the City of San Diego and would be protected within the proposed MSCP preserve. Moreover, protection is currently afforded *D. b. ssp. brevifolia* populations located on State lands managed for habitat conservation (e.g., Torrey Pines State Park).

While some of these populations would still be subject to edge effects and recreational impacts related to the proximity of existing development (Crest Canyon, Torrey Pines State Park Extension) and proposed development (Carmel Mountain), proposed management in the MSCP would reduce existing threats to allow stabilization of *Dudleya b. ssp. brevifolia* (City of San Diego 1995; OGDEN 1995; U.S. Fish and Wildlife Service 1996; Cindy Burrecano, California Native Plant Society, *in litt.*, 1996). The Carmel Mountain population in the City of San Diego is the largest and most significant population of this taxon. The proposed preserve design, as defined by the MSCP, will provide for about 90 percent preservation at this site.

Although the MSCP has not yet been formally approved by the City of San Diego and most other participating jurisdictions, and the Service has not yet issued the permit, *Dudleya blochmaniae* ssp. *brevifolia* is protected by a Resource Protection Ordinance of the City of San Diego Municipal Code that applies to all biologically sensitive lands (§ 101.0462). Areas containing populations of *D. b. ssp. brevifolia* meet the municipal code definition of “biologically sensitive lands” because the taxon is listed under the California Endangered Species Act. Furthermore, the City of San Diego considers lands within the proposed preserve to be some of the most sensitive lands in the city (Keith Greer, Development Services, City of San Diego, pers. comm., 1996). In addition, any development proposed in the preserve area would take, at a minimum, one year to complete the building permit process (K. Greer, pers. comm., 1996) and therefore extend well

beyond the expected issuance date for the MSCP permit.

The Service will continue to monitor the status of *Dudleya blochmaniae* ssp. *brevifolia* and gather information during and after the MSCP finalization process. If information obtained by the Service indicates that the taxon is threatened or endangered, the Service will re-propose or emergency list the plant.

This notice of withdrawal is published concurrently in the Federal Register with the final rule listing four plant taxa from the maritime chaparral of southern California and Mexico, in order to resolve the listing status of all six taxa that were proposed together on October 1, 1993 (58 FR 51302). Processing the final listing decisions on these six plant taxa follows the Service's listing priority guidance published in the Federal Register on May 16, 1996 (61 FR 24722).

References Cited

- City of San Diego. 1995. Neighborhood 8A precise plan/Del Mar Highlands Estates/Lorenz Parcel compromise Plan and Neighborhood 8A acquisition program. Final Environmental Impact Report.
- Lane, Meredith A. 1992. New combinations in Californian *Lessingia* (Compositae: Asteraceae), *Novon* 2: 213-214.
- Lane, Meredith A. 1993. *Lessingia* in: The Jepson Manual, Higher Plants of California, J. Hickman (ed.), University of California Press, Berkeley.
- OGDEN. 1995. Multiple Species Conservation Program public review draft resource document prepared for the City of San Diego.
- U.S. Fish and Wildlife Service. 1996. MSCP target plant species analysis: *Dudleya blochmaniae* ssp. *brevifolia*.

Author

The primary author of this document is Fred M. Roberts, Carlsbad Field Office (see ADDRESSES section).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: September 27, 1996.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96-25461 Filed 10-4-96; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 23

RIN 1018-AD63

Export of River Otters Taken in Missouri in the 1996-97 and Subsequent Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of comment period on the proposed rule.

SUMMARY: The purpose of this notice is to advise the public of the availability of additional information that has been received and will be considered prior to the Service's decision on issuance of the Scientific Authority and Management Authority findings on the proposed export of river otters harvested in the State of Missouri. The Service may apply these findings to harvests of river otters in Missouri during the 1996-97 season and subsequent seasons, subject to the conditions applying to approved States.

DATES: The Service will consider comments received on or before October 28, 1996, in making its determination on the proposed rule.

ADDRESSES: Please send correspondence concerning the proposed rule to the Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Comments and materials received will be available for public inspection by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Scientific Authority—Dr. Marshall A. Howe, Office of Scientific Authority; phone 703-358-1708; fax 703-358-2276.

Management Authority/State Export Programs—Ms. Carol Carson, Office of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Room 430; Arlington, Virginia 22203; phone 703-358-2095; fax 703-358-2281.

SUPPLEMENTARY INFORMATION: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species. Exports of animals and plants listed in Appendix II of CITES require an export permit from the country of origin. As a general rule, export permits only are issued after two conditions are met. First, the exporting country's CITES Scientific Authority must advise the permit-issuing CITES Management Authority that such exports will not be detrimental to the survival of the

species. This advice is known as a "no-detriment" finding. Second, the Management Authority must make a determination that the animals or plants were not obtained in violation of laws for their protection. If live specimens are being exported, the Management Authority must also determine that the specimens are being shipped in a humane manner with minimal risk of injury or damage to health.

On January 5, 1984 (49 FR 590), the Service published a rule granting export approval for river otters (*Lontra canadensis*) and certain other CITES-listed species of furbearing mammals from specified States and Indian Nations and Tribes for the 1983-84 and subsequent harvest seasons. In succeeding years, approval for export of one or more species of furbearers has been granted to other States and Indian Nations, Tribes, or Reservations through the rule-making process. These approvals were and continue to be subject to certain population monitoring and export requirements. Further information on the CITES requirements and the bases for the Service's Scientific Authority and Management Authority findings, as well as a summary of the information previously received from the State of Missouri, are presented in the proposed rule published in the April 2, 1996, Federal Register (61 FR 14543).

Since the close of that proposed rule's comment period (on June 3, 1996), the Service has met with staff members of the Missouri Department of Conservation and received several documents including: (1) A graph showing the relationship between the number of licensed trappers in Missouri and the price of raccoon pelts; (2) a report on "Ownership and Use of Traps by Trappers in the United States in 1992" prepared for the International Association of Fish and Wildlife Agencies; (3) trapping regulations in Missouri for the 1996-97 season; (4) a report titled "Missouri Furbearer Update, Vol. III: 1990-91"; (5) a summary of current research projects on river otters in Missouri; and (6) a portion of Missouri's Conservation Commission charter, which, among other things, stipulates that the Director of the Missouri Department of Conservation is authorized to act for the Commission on emergency matters, subject to ratification by the Commission at its next regular meeting. This includes authority for emergency closure of trapping seasons.

In addition, the Service requested updated population model scenarios based on there being no harvest season for river otters in Missouri during the 1995-96 season and using different